

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Martin J. Jacobs et al.

Serial No.: 09/975,350

Group Art Unit: 1615

Filing Date: October 11, 2001

Examiner: Fubara, Blessing M.

For: COMPOSITIONS COMPRISING MODAFINIL COMPOUNDS

DATE OF DEPOSIT: June 17, 2003

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED NAME: Patricia A. Sexton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND PETITION TO CORRECT INVENTORSHIP IN
A NON-PROVISIONAL APPLICATION (37 C.F.R. § 1.48(a))

1. This Amendment and Petition is to correct the original naming of inventor(s) in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on October 11, 2001.
2. Addition and /or Deletion of Inventor(s)

☒ Add the following previously unnamed person(s) as inventor(s) of this application:

David A. Dickason
4739 Vicbarb Lane
Cincinnati, Ohio 45244

06/27/2003 CBETANCO 00000001 31195 Delete the following previously incorrectly named inventor(s):

01 FC:1460 130.00 DA

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P215

Ref

6-26-03

14/ Conversion Papers

mailroom
date
6-23-03


3. Attachments

- (a) A statement from
- ☒ each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
 - ☐ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
- (b) A Supplemental Declaration and Power of Attorney by each of the actual inventor(s) as required by 37 C.F.R. § 1.63 (or as permitted by §§ 1.42, 1.43 or 1.47). 37 C.F.R. § 1.48(a)(2).
- (c) Written assent of the assignee with Statement Under 37 C.F.R. 3.73 (b) (*if any of the original inventors executed an assignment*). 37 C.F.R. § 1.48(a)(4).
- (d) (*check the following item if some inventors are not inventors of all claims*)
- ☐ Attached is an explanation of the facts, including the ownership of all the current claims and of the originally filed claims.

4. Processing Fee Payment (37 C.F.R. § 1.17(i))

- ☐ Enclosed please find a check for **\$130.00**.
- ☒ Please charge Deposit Account 03-1195 the sum of **\$130.00**. A duplicate of this petition is enclosed.
- ☒ Please charge Deposit Account 03-1195 for any fee deficiency, or credit this account for any overpayment for this petition.

Date: July 17, 2003


Eric K. Voelk
Registration No. 45,185

CEPHALON, Inc.
145 Brandywine Parkway
West Chester, PA 19380
Telephone: (610) 738-6465
Facsimile: (610) 738-6590



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Martin J. Jacobs et al.

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22313-1450.

TYPED NAME: Patricia A. Sexton
Patricia A. Sexton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF INVENTOR FOR CORRECTION OF INVENTORSHIP
(37 C.F.R. § 1.48)

I, David A. Dickason, state that:

1. I understand that I am being added as an inventor to correct an error in the inventorship in the above-entitled application.
2. This error in inventorship occurred without deceptive intent on my part.

Date: 5-23-2003

David A. Dickason



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In Re Application of:

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22313-1450.

Patricia A. Sexton
TYPED NAME: Patricia A. Sexton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ASSENT OF ASSIGNEE TO CORRECTION OF INVENTORSHIP
(37 C.F.R. § 1.48)

CEPHALON, Inc.
145 Brandywine Parkway
West Chester, PA 19380


1. Assignment

☒ Recorded on January 23, 2002
Reel 012546
Frame 0436

☐ Recorded herewith by the attached Form PTO 1595.

2. Assignee hereby assents to the correction of inventorship filed herewith.
3. A "STATEMENT UNDER 37 CFR 3.73(b)" is attached.

Date: June 17, 2003



Eric K. Voelk
Registration No. 45,185

CEPHALON, Inc.
145 Brandywine Parkway
West Chester, PA 19380
Telephone: (610) 738-6465
Facsimile: (610) 738-6590

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: CEPHALON, Inc.Application No./Patent No.: 09/975,350 Filed/Issue Date: October 11, 2001

Entitled: _____

Cephalon, Inc., a corporation, states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest. The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012546, Frame 0436, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 6/17/03John E. Osborn

Typed or printed name

Signature

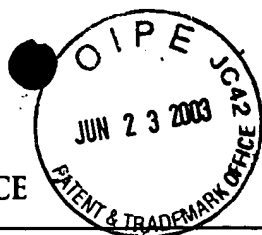
Senior Vice President, General Counsel and Secretary

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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APRIL 04, 2002

PTAS

Chief Information Officer
Washington, DC 20231
www.uspto.gov

CEPHALON, INC.
ROBERT T. HRUBIEC
145 BRANDYWINE PARKWAY
WEST CHESTER, PA 19380-4245



101978051A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/23/2002

REEL/FRAME: 012546/0436
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
JACOBS, MARTIN J.

DOC DATE: 12/17/2001

ASSIGNOR:
MCINTYRE, BRADLEY T.

DOC DATE: 12/17/2001

ASSIGNOR:
PATEL, RIYUSH R.

DOC DATE: 12/18/2001

ASSIGNEE:
CEPHALON, INC.
145 BRANDYWINE PARKWAY
WEST CHESTER, PENNSYLVANIA

19380-4245

SERIAL NUMBER: 09975350
PATENT NUMBER:

FILING DATE: 10/11/2001
ISSUE DATE:

DOCKETED

012546/0436 PAGE 2

THERESA FREDERICK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

02-03-2002

FORM PTO-1595
1-31-92U.S. DEPARTMENT OF COMMERCE
RECORDATION FORM COVER SHEET
PATENTS ONLY

101978051

To The Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Martin J. Jacobs
Bradley T. McIntyre
Piyush R. Patel

1.23.02

Additional name(s) of conveying party(ies)
attached? () YES (X) NO

3. Nature of Conveyance:

- (X) Assignment () Merger
() Security Agreement
() Change of Name
() Other:

Execution Date(s): December 17, 2001 and
December 18, 2001

2. Name and address of receiving party(ies):

Name: Cephalon, Inc.

Street Address: 145 Brandywine Parkway

City: West Chester

State: Pennsylvania ZIP 19380-4245

Additional name(s) & address attached? () YES (X) NO

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 09/975,350

B. Patent No.(s)

Additional numbers attached? () YES (X) NO

5. Name and address of party to whom correspondence
concerning documents should
be mailed:Name: Robert T. Hrubiec
Internal Address: CEPHALON, INC.
145 Brandywine Parkway
West Chester, Pennsylvania 19380-4245Street Address: CEPHALON, INC.
145 Brandywine Parkway
West Chester, Pennsylvania 19380-4245

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41):.....\$40.00

- () Enclosed
(X) Authorized to be charged to Deposit Account
Number 03-1195.

8. Please charge any deficiency or credit any
overpayment to Deposit Account Number 03-1195.

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Eric K. Voelk, Reg. No. 45,185

Name of Person Signing/Reg. No.

Signature

Date

Total number of pages including cover sheet, attachments, and document: 5

Mail documents to be recorded with required cover sheet information to:

Box Assignments
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

02/07/2002 DBYRME 00000210 031195 09975350
01 FC:581 40.00 CH

PATENT
Joint Inventors

DOCKET NO.: CP215

**(Pending Application;
Serial No. Known)**

ASSIGNMENT

WHEREAS, we **Martin J. Jacobs, Bradley T. McIntyre and Piyush R. Patel**, hereinafter referred to as the assignors, residing respectively at **1447 Patterson Lane, West Chester, Pennsylvania 19380; 3316 Norma Drive, Thorndale, Pennsylvania 19372; 716 Scott Lane, Wallingford, Pennsylvania 19086** are the joint inventors of certain inventions or improvements for which we have made application for Letters Patent to the United States, identified as Serial No. **09/975,350** filed **October 11, 2001** entitled **Compositions Comprising Modafinil Compounds** and

WHEREAS, **Cephalon, Inc.** hereinafter referred to as the assignee, of **145 Brandywine Parkway, West Chester, Pennsylvania 19380**, a corporation of **Delaware** is desirous of acquiring the entire right, title and interest in and to the said inventions or improvements and in and to the said application, and in, to and under any and all Letters Patent which may be granted on or as a result thereof in any and all countries:

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) to each of us in hand paid by said assignee, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said assignors, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over to said assignee, the entire right, title and interest in and to said inventions or improvements and said application and any and all continuations, divisions and renewals of and substitutes for said application, and in, to and under any and all Letters Patent which may be granted on or as a result thereof in the United States and any and all other countries, and any reissue or reissues or extension or extensions of said Letters Patent, and assign to and authorize said assignee, to file in our names applications for Letters Patent in all countries, the same to be held and enjoyed by said assignee, its successors, assigns, nominees or legal representatives, to the full end of the term or terms for which said Letters Patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by us had this assignment, sale and transfer not been made.

AND we hereby covenant that we have full right to convey the entire interest herein assigned, and that we have not executed and will not execute any agreement in conflict herewith, and we further covenant and agree that we will each time request is made and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to said inventions or improvements, said application and said Letters Patent to said assignee, its successors, assigns, nominees, or legal representatives, and each of us agrees to communicate to said assignee or to its nominee all known facts respecting said inventions or improvements, said application and said Letters Patent, to testify in any legal proceedings, to sign all lawful papers to execute all disclaimers and divisional, continuing, reissue and foreign applications, to make all rightful oaths, and generally to do everything possible to aid said

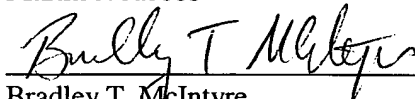
PATENT
Joint Inventors

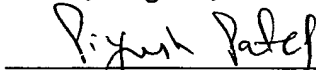
assignee, its successors, assigns, nominees and legal representatives to obtain and enforce for its or their own benefit proper patent protection for said inventions or improvements in any and all countries.

AND we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States whose duty it is to issue patents on applications as aforesaid, to issue to said assignee, as assignee of the entire right, title and interest, any and all Letters Patent for said inventions or improvements, including any and all Letters Patent of the United States which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this assignment.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

 (L.S.)
Martin J. Jacobs

 (L.S.)
Bradley T. McIntyre

 (L.S.)
Piyush R. Patel

PATENT
Joint Inventors

[WHERE ALL INVENTORS SIGN BEFORE THE SAME NOTARY:]

Commonwealth of Pennsylvania
COUNTY OF Chester : SS

On this 17th day of December, year of 2001, before me personally came the above named **Martin J. Jacobs and Bradley T. McIntyre** to me personally known and known to me to be the same individual who executed the foregoing assignment, and who acknowledged to me that execution of the same was of that person's own free will for the use and purposes therein set forth.

Patricia A. Sexton
Notary Public

NOTARIAL SEAL
PATRICIA A. SEXTON, Notary Public
West Chester Boro., Chester County
My Commission Expires July 5, 2005

Commonwealth of Pennsylvania
COUNTY OF Chester : SS

On this 18th day of December, year of 2001, before me personally came the above named **Piyush R. Patel** to me personally known and known to me to be the same individual who executed the foregoing assignment, and who acknowledged to me that execution of the same was of that person's own free will for the use and purposes therein set forth.

Patricia A. Sexton
Notary Public

NOTARIAL SEAL
PATRICIA A. SEXTON, Notary Public
West Chester Boro., Chester County
My Commission Expires July 5, 2005



CP215

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Group Art Unit: 1615

For: COMPOSITIONS COMPRISING
MODAFINIL COMPOUNDS

Examiner: Fubara, Blessing M.

SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a



Utility Patent



Design Patent

is sought on the invention, whose title appears above, the specification of which:



is attached hereto.



was filed on October 11, 2001 as Serial No. 09/975,350 .



said application having been amended on _____ .

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a-d) of any **foreign application(s)** for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Priority Claimed (If X'd)	Country	Serial Number	Date Filed
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Date Filed	Patented/Pending/Abandoned
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Serial Number	Date Filed
<u>60/239,490</u>	<u>October 11, 2000</u>

I hereby appoint the following persons of the firm of **CEPHALON, INC.**, 145 Brandywine Parkway, West Chester, PA 19380, as attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Robert T. Hrubiec J.D., Ph.D. Reg. No. 36,392

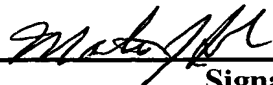
Eric K. Voelk J.D., Ph.D. Reg. No. 45,185

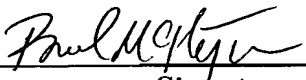
Scott K. Larsen J.D., Ph.D. Reg. No. 38,532

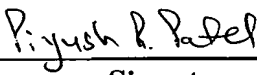
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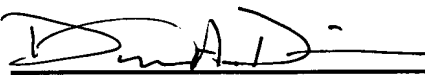
Robert T. Hrubiec
CEPHALON, INC.
145 Brandywine Parkway
West Chester PA 19380
Telephone No.: (610) 738-6356
Facsimile No.: (610) 738-6590

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Martin J. Jacobs	 Signature
Mailing Address: 1447 Patterson Lane	Date of Signature: <u>30 MAY 03</u>
City/State of Actual Residence: West Chester, Pennsylvania 19380	Citizenship: <u>United States</u>

Name: Bradley T. McIntyre	 Signature Date of Signature: <u>30 May 03</u> Citizenship: <u>United States</u>
Mailing Address: 3316 Norma Drive	
City/State of Actual Residence: Thorndale, Pennsylvania 19372	

Name: Piyush R. Patel	 Signature Date of Signature: <u>30 May 2003</u> Citizenship: <u>United States</u>
Mailing Address: 716 Scott Lane	
City/State of Actual Residence: Wallingford, Pennsylvania 19086	

Name: David A. Dickason	 Signature Date of Signature: <u>5/23/2003</u> Citizenship: <u>United States</u>
Mailing Address: 4739 Vicbarb Lane	
City/State of Actual Residence: Cincinnati, Ohio 45244	